

In the Matter of:

BRENDA SWEETLAND

vs.

WHEELABRATOR SAUGUS

JOHN COOPER

December 13, 2022



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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

NO. 1:21-CV-10759-LTS

- - - - - x
BRENDA SWEETLAND, on behalf of herself
and all others similarly situated,
Plaintiff

vs.

WHEELABRATOR SAUGUS, INC.,
Defendant

- - - - - x

DEPOSITION OF JOHN COOPER, a witness
called on behalf of the Plaintiff, taken
pursuant to notice before Robert M. Bramanti,
Certified Shorthand Reporter, Registered Merit
Reporter and Notary Public in and for the
Commonwealth of Massachusetts, at the offices of
Colonna, Doyle & Simeola, 26 Main Street, third
floor, Lynnfield, Massachusetts, on Tuesday,
December 13, 2022, commencing at 12:26 p.m.

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<p style="text-align: right;">2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 Matthew Z. Robb, Esq.</p> <p>4 Liddle Sheets Coulson P.C.</p> <p>5 975 E. Jefferson Avenue</p> <p>6 Detroit, Michigan 48207</p> <p>7 313.392.0015/mrobb@lscounsel.com</p> <p>8 Present via Zoom Videoconferencing</p> <p>9</p> <p>10 Richard A. Oetheimer, Esq.</p> <p>11 Goodwin Procter LLP</p> <p>12 100 Northern Avenue</p> <p>13 Boston, Massachusetts 02210</p> <p>14 617.570.1259/roetheimer@goodwinlaw.com</p> <p>15 Attorney for the Defendant</p> <p>16 Present in person</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">4</p> <p>1 P R O C E E D I N G S</p> <p>2</p> <p>3 JOHN COOPER, a witness called for</p> <p>4 examination by counsel for the Plaintiff, having</p> <p>5 been first satisfactorily identified by his</p> <p>6 Massachusetts driver's license, was duly sworn,</p> <p>7 was examined, and testified as follows:</p> <p>8</p> <p>9 MR. ROBB: Good afternoon, Mr. Cooper.</p> <p>10 My name is Matthew Robb. I'm plaintiff's</p> <p>11 counsel in the matter of Brenda Sweetland v</p> <p>12 Wheelabrator Saugus, civil action pending before</p> <p>13 the United States District Court for the</p> <p>14 District of Massachusetts, case No.</p> <p>15 121-CV-10759.</p> <p>16 Richard, would like to make your</p> <p>17 appearance?</p> <p>18 MR. OETHEIMER: Yes. My name is Richard</p> <p>19 Oetheimer. I'm counsel for the defendant,</p> <p>20 Wheelabrator Saugus.</p> <p>21 And by the way, the witness's name is</p> <p>22 Cooper, C-o-o-p-e-r. Not C-o-p-p-e-r, right?</p> <p>23 THE WITNESS: That's right.</p> <p>24</p>
<p style="text-align: right;">3</p> <p>1 I N D E X</p> <p>2 Deposition of: Page</p> <p>3 JOHN COOPER</p> <p>4 Examination by Mr. Robb 5</p> <p>5 Examination by Mr. Oetheimer 77</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11 -----</p> <p>12</p> <p>13 E X H I B I T S</p> <p>14 No. Page</p> <p>15 1 Deposition Subpoena 12</p> <p>16 2 Declaration, 6/19/22 34</p> <p>17 3 Declaration, 8/22/22 42</p> <p>18 4 Map Bristow Street 77</p> <p>19 5 Google Earth Photo 77</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">5</p> <p>1 Examination by Mr. Robb:</p> <p>2 Q. Mr. Cooper, this is a deposition. Have you ever</p> <p>3 had your deposition taken before?</p> <p>4 A. I don't think so.</p> <p>5 Q. Would you go ahead and state and spell your name</p> <p>6 for the record.</p> <p>7 A. My name is John Cooper, J-o-h-n, C-o-o-p-e-r.</p> <p>8 Q. Great. This is just a question and answer</p> <p>9 session.</p> <p>10 A. Yeah.</p> <p>11 Q. We are both attorneys, but neither one of us</p> <p>12 represents you in this case. Do you understand</p> <p>13 that?</p> <p>14 A. I think so, yeah.</p> <p>15 Q. Okay. All right. When you walked in, you said</p> <p>16 that Anthony Cogliano sent you; is that right?</p> <p>17 MR. OETHEIMER: Objection. I wasn't</p> <p>18 here. So I don't know if he said it, but you</p> <p>19 can answer.</p> <p>20 A. No, I was --</p> <p>21 MR. OETHEIMER: When I say "objection,"</p> <p>22 that's for the record.</p> <p>23 THE WITNESS: Yeah.</p> <p>24 MR. OETHEIMER: You can answer Mr. Robb's</p>

<p style="text-align: right;">6</p> <p>1 question. If you don't understand them, you can</p> <p>2 say you don't understand and you can ask him for</p> <p>3 clarification.</p> <p>4 But my objection, I'm not your counsel,</p> <p>5 so I'm not telling you not to answer the</p> <p>6 question. Okay? I just want to make sure you</p> <p>7 understand that.</p> <p>8 A. I don't mind answering the question. I was</p> <p>9 asked by Anthony Cogliano and somebody else who</p> <p>10 called up on the phone to ask if I would come to</p> <p>11 this place and answer a few questions. That's</p> <p>12 why I'm here to answer a few questions on their</p> <p>13 behalf.</p> <p>14 Q. Okay. When did Anthony call you?</p> <p>15 A. He didn't call me. I talked to him live. He's,</p> <p>16 like, at my house right now working in my -- in</p> <p>17 one of my rooms. Well, his help is. He was</p> <p>18 there.</p> <p>19 Q. You talked with him in person. What did he tell</p> <p>20 you?</p> <p>21 A. Huh?</p> <p>22 Q. You talked to him in person today?</p> <p>23 A. Yeah.</p> <p>24 Q. What did he tell you about today and what you</p>	<p style="text-align: right;">8</p> <p>1 I'm just asking, you know, what Anthony</p> <p>2 told you about what to expect today?</p> <p>3 MR. OETHEIMER: Right. And objection.</p> <p>4 Because I don't know if he told him anything.</p> <p>5 But if he did, you should answer.</p> <p>6 A. Are the questions on that paper? He asked me</p> <p>7 four questions. He asked me -- I don't know how</p> <p>8 many months ago it was, a couple months ago. Do</p> <p>9 I get any soot on my cars? Do I have anything</p> <p>10 blowing around the air in my driveway? Does the</p> <p>11 Wheelabrator noise bother us? And I forget the</p> <p>12 other question. He asked me something else.</p> <p>13 Q. I'm just asking if he asked you to come here</p> <p>14 today?</p> <p>15 A. Yeah.</p> <p>16 Q. What did he tell you? Did he tell you anything</p> <p>17 about why you were coming here today?</p> <p>18 A. Well, he didn't ask me to come here today. He</p> <p>19 asked me that I might end up getting a call to</p> <p>20 get -- to answer some questions. And I said</p> <p>21 yeah, sure. I will go answer them. But that</p> <p>22 wasn't today. Today he was over there doing,</p> <p>23 you know, construction-type stuff.</p> <p>24 Q. When did Anthony talk to you about coming to</p>
<p style="text-align: right;">7</p> <p>1 were doing?</p> <p>2 MR. OETHEIMER: Objection.</p> <p>3 A. Objection?</p> <p>4 MR. OETHEIMER: You can answer.</p> <p>5 Foundation. I don't know if you had a</p> <p>6 conversation today, so I make an objection. But</p> <p>7 answer the question to the best of your ability.</p> <p>8 A. Okay. Am I supposed to answer questions of</p> <p>9 everyday life or am I supposed to answer</p> <p>10 questions about the Wheelabrator?</p> <p>11 MR. OETHEIMER: Well, you are answering</p> <p>12 questions about Wheelabrator. But right now you</p> <p>13 are answering Attorney Robb's questions and when</p> <p>14 he's done, I may ask you questions.</p> <p>15 A. It has nothing do with Wheelabrator. He's doing</p> <p>16 some construction in my house.</p> <p>17 Q. Okay. Just to be clear, I'm the attorney that</p> <p>18 called for your deposition to be taken here</p> <p>19 today because of some statements that were</p> <p>20 provided to us by defense counsel at</p> <p>21 Wheelabrator that had your name on it or one of</p> <p>22 them was misspelled, but it had your name on it.</p> <p>23 I'm trying to get to the bottom of those</p> <p>24 declarations and how they came to us.</p>	<p style="text-align: right;">9</p> <p>1 answer some questions?</p> <p>2 MR. OETHEIMER: Objection.</p> <p>3 A. I can't say exactly when.</p> <p>4 Q. You said that some other person called you to</p> <p>5 tell you to show up today; is that right?</p> <p>6 A. No, he asked me to.</p> <p>7 Q. Who was that?</p> <p>8 A. I know the guy's name is Jack. Hold on a</p> <p>9 second, one second. Let me see if I can find</p> <p>10 that. He only called me a couple days ago.</p> <p>11 Do you have a guy Jack that helps you</p> <p>12 guys out?</p> <p>13 MR. OETHEIMER: You are here to answer</p> <p>14 the questions. If you can --</p> <p>15 A. I don't know his last name.</p> <p>16 MR. OETHEIMER: If you can find it, you</p> <p>17 can answer.</p> <p>18 A. Okay. This is easier right here. Jack.</p> <p>19 Q. Mr. Cooper, if you can just read what you are</p> <p>20 trying to show us because all of the information</p> <p>21 is being written down so we can't tell what you</p> <p>22 are saying unless you say it out loud.</p> <p>23 A. Okay. This text here says, "John, Anthony</p> <p>24 Cogliano's friend. Can you call me. Just left</p>

<p style="text-align: right;">10</p> <p>1 you a voice message. Many thanks. Jack."</p> <p>2 Q. Okay. Did you call him back?</p> <p>3 A. I did.</p> <p>4 Q. What did Jack tell you?</p> <p>5 A. He asked me if I would come answer a few</p> <p>6 questions for Anthony at this place right here.</p> <p>7 Then he sent me the address.</p> <p>8 Q. Okay. So that's how you knew to come today at</p> <p>9 this time?</p> <p>10 A. Yes.</p> <p>11 Q. Do you know who Jack is other than Anthony's</p> <p>12 friend?</p> <p>13 A. No. But I guess he left me a voice message. I</p> <p>14 don't remember if I kept it or not. You want me</p> <p>15 to see if I -- oh, no. No. I erased that.</p> <p>16 Q. Do you know who Jack works for?</p> <p>17 A. No. I thought he said he was part of the</p> <p>18 Wheelabrator thing. But I can't say that for</p> <p>19 sure. I think that's what he said.</p> <p>20 Q. Before that text message, had you ever talked to</p> <p>21 Jack before?</p> <p>22 A. Yeah -- let me see. Sorry. This is a new</p> <p>23 phone. Hold on a second. Well, I got a number</p> <p>24 here, December 9th, (508)498-2506, and then I've</p>	<p style="text-align: right;">12</p> <p>1 MR. ROBB: I'm going to introduce this</p> <p>2 for our reference as Exhibit 1.</p> <p>3 (Deposition Exhibit No. 1</p> <p>4 marked for identification.)</p> <p>5 Q. Do you see that it has the name John Copper, 44</p> <p>6 Bristow Street, Saugus, Massachusetts?</p> <p>7 A. Yes.</p> <p>8 Q. That isn't your name, correct?</p> <p>9 A. No, that's not my name and that's not my</p> <p>10 address.</p> <p>11 Q. Okay. What is your address?</p> <p>12 A. 45.</p> <p>13 Q. 45 Bristow Street?</p> <p>14 A. Yes. That must be across the street.</p> <p>15 Q. And your last name is Cooper, not Copper,</p> <p>16 correct?</p> <p>17 A. Yes.</p> <p>18 Q. Is that correct?</p> <p>19 A. Yeah, John Cooper, 45 Bristow Street.</p> <p>20 Q. Okay. You see that the subpoena asks you to</p> <p>21 appear at Colonna & Doyle, 26 Main Street, third</p> <p>22 floor, Lynnfield, Massachusetts. Is that where</p> <p>23 you are right now?</p> <p>24 A. Yeah. I think so.</p>
<p style="text-align: right;">11</p> <p>1 got the same number over here today,</p> <p>2 (508)498-2506.</p> <p>3 But the message he left me today was -- I</p> <p>4 didn't talk to him -- was, "I hope you are</p> <p>5 showing up at 12, 12:30" at this location, "and</p> <p>6 if I don't hear back from you, that means that</p> <p>7 you will be coming here."</p> <p>8 MR. OETHEIMER: Okay.</p> <p>9 A. I'm here. But I didn't -- the reason I erase a</p> <p>10 lot of useless phone message is because once I</p> <p>11 play them, it takes me 20 minutes to go through</p> <p>12 all the other messages that are stored. So I</p> <p>13 don't want to have to answer one voice mail and</p> <p>14 wait 15 minutes for this machine to keep going</p> <p>15 through.</p> <p>16 Q. Okay. I understand.</p> <p>17 Mr. Cooper, I'm going to show you a</p> <p>18 document on my screen. Let me know if you have</p> <p>19 any trouble seeing it. Okay?</p> <p>20 A. Okay.</p> <p>21 Q. I will represent to you that this was a subpoena</p> <p>22 that was sent to your residence. Can you see</p> <p>23 this document?</p> <p>24 A. Yeah.</p>	<p style="text-align: right;">13</p> <p>1 Q. Okay.</p> <p>2 A. Is that this place?</p> <p>3 MR. OETHEIMER: It is.</p> <p>4 Q. December 8, 2022, at 11 a.m. You did not appear</p> <p>5 on December 8th at 11 a.m., right?</p> <p>6 MR. OETHEIMER: Objection.</p> <p>7 A. I never received that picture you got up there</p> <p>8 either.</p> <p>9 MR. OETHEIMER: It was obviously served</p> <p>10 at a different address, Matt. I don't know. We</p> <p>11 contacted him to ask him to come in.</p> <p>12 Q. Is this the first time that you are seeing the</p> <p>13 subpoena?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Am I correct that today is December 13th,</p> <p>16 at 12:37 p.m.?</p> <p>17 A. Yeah. Yeah.</p> <p>18 Q. As I understand, you showed up today because you</p> <p>19 talked to Jack and Anthony about showing up,</p> <p>20 right?</p> <p>21 A. Yes.</p> <p>22 Q. Thanks. I just want to get clarity on how your</p> <p>23 appearance was arranged.</p> <p>24 Have you ever talked to the man across</p>

<p style="text-align: right;">14</p> <p>1 from you, Richard Oetheimer, before?</p> <p>2 MR. OETHEIMER: Me. That's me.</p> <p>3 A. No.</p> <p>4 Q. Is this the first time you've ever talked to him</p> <p>5 or met him?</p> <p>6 A. Yes. I tried calling him back one day but there</p> <p>7 was no answer.</p> <p>8 Q. I introduced to you in the beginning that this</p> <p>9 is in relation to a lawsuit. Had you ever heard</p> <p>10 about a lawsuit against Wheelabrator --</p> <p>11 A. No.</p> <p>12 Q. -- before today?</p> <p>13 A. No.</p> <p>14 Q. No?</p> <p>15 A. No.</p> <p>16 Q. Do you have any understanding about what the</p> <p>17 lawsuit is about?</p> <p>18 A. No.</p> <p>19 Q. Do you know what a class action is?</p> <p>20 A. I'm not sure. Class action, it's like, you</p> <p>21 know, when they come on TV and tell you that you</p> <p>22 could collect thousands of dollars if you had</p> <p>23 cancer from the Marines 40 years ago. Yeah,</p> <p>24 that's a class action lawsuit. Yeah.</p>	<p style="text-align: right;">16</p> <p>1 keep the plant open?</p> <p>2 MR. OETHEIMER: Objection.</p> <p>3 A. It doesn't bother me either way.</p> <p>4 Q. All right. I will represent to you that the</p> <p>5 case that we are dealing with right now is a</p> <p>6 class action on behalf of residents in the</p> <p>7 Saugus community who have been complaining about</p> <p>8 odors and dust from the facility and they are</p> <p>9 seeking damages from the company for</p> <p>10 interference with property values and</p> <p>11 interference with the use and enjoyment of</p> <p>12 property.</p> <p>13 There's no allegation in the complaint of</p> <p>14 trying to shut the plant down or revoke its</p> <p>15 permit or anything like that. Okay?</p> <p>16 MR. OETHEIMER: Before that, I'm going to</p> <p>17 object, Matt.</p> <p>18 Right now this is a lawsuit brought by</p> <p>19 one plaintiff on behalf of a punitive class.</p> <p>20 You were speaking in the plural. It is not a</p> <p>21 lawsuit brought by multiple residents in the</p> <p>22 Saugus neighborhood. Not yet.</p> <p>23 Q. (By Mr. Robb) That's correct. Just for clarity,</p> <p>24 I don't want, Mr. Cooper, you to misunderstand</p>
<p style="text-align: right;">15</p> <p>1 Q. You've heard of a class action, but you don't</p> <p>2 really know what they are?</p> <p>3 A. Yeah, they are lawyers who find something and</p> <p>4 they go and try and make other people money for</p> <p>5 it. As far as I can tell.</p> <p>6 Q. Today is the first time that you learned about</p> <p>7 this lawsuit?</p> <p>8 A. Yeah. I didn't even know it was a lawsuit. I</p> <p>9 thought, from what my understanding was, there</p> <p>10 was one group that wanted to close the thing</p> <p>11 down and one group wants to keep it open.</p> <p>12 Q. Which side are you on?</p> <p>13 MR. OETHEIMER: Objection.</p> <p>14 Again, my objection is for the record.</p> <p>15 I'm not telling you not to answer the question,</p> <p>16 whether you can answer it or not.</p> <p>17 You don't have to be on any side, but</p> <p>18 basically you answer the questions as you see</p> <p>19 fit. I will object to the question.</p> <p>20 MR. ROBB: I object to coaching the</p> <p>21 witness on the answer. I'm just asking --</p> <p>22 MR. OETHEIMER: He's here to answer</p> <p>23 questions about facts.</p> <p>24 Q. (By Mr. Robb) Are you on the side that wants to</p>	<p style="text-align: right;">17</p> <p>1 what we are saying. That someone brought this</p> <p>2 lawsuit, one of your neighbors, Brenda</p> <p>3 Sweetland, and she's trying to represent a</p> <p>4 community who has similar issues with the</p> <p>5 facility. I just wanted to let you know so,</p> <p>6 that, you know, word doesn't get around too fast</p> <p>7 that somebody is trying to shut the plant down.</p> <p>8 All right?</p> <p>9 MR. OETHEIMER: Okay.</p> <p>10 A. What neighborhood is that?</p> <p>11 Q. I'm sorry?</p> <p>12 A. Oh, I'm not supposed to ask questions?</p> <p>13 MR. OETHEIMER: You can questions. He</p> <p>14 doesn't necessarily have to answer them. His</p> <p>15 question was what neighborhood is it?</p> <p>16 Q. I just said, All right. I wanted to make sure</p> <p>17 you understood.</p> <p>18 A. Okay.</p> <p>19 Q. Am I correct that nobody has ever talked to you</p> <p>20 about this lawsuit before today?</p> <p>21 A. It wasn't --</p> <p>22 MR. OETHEIMER: Objection. Foundation.</p> <p>23 Sort of asked and answered. But go ahead. I'm</p> <p>24 making objections -- you seem confused. Let me</p>

<p style="text-align: right;">18</p> <p>1 just say again, I'm making my sort of</p> <p>2 objections, doing my sort of lawyer thing for</p> <p>3 the record.</p> <p>4 THE WITNESS: I get it.</p> <p>5 MR. OETHEIMER: It doesn't affect you.</p> <p>6 You can listen to the question and try to</p> <p>7 answer.</p> <p>8 A. It has never been approached to me as a lawsuit.</p> <p>9 Q. Okay. Are you aware of any meetings that have</p> <p>10 been held regarding the Wheelabrator facility or</p> <p>11 people's experiences with odor and dust in the</p> <p>12 community?</p> <p>13 MR. OETHEIMER: Objection.</p> <p>14 A. I know that --</p> <p>15 MR. OETHEIMER: Again, give me a minute</p> <p>16 to -- I'm throwing you off. I will try to be</p> <p>17 quicker.</p> <p>18 Objection for the record.</p> <p>19 Now you can answer the question. I don't</p> <p>20 know if you need to hear it back again.</p> <p>21 THE WITNESS: No, I heard it.</p> <p>22 MR. OETHEIMER: Okay. Go ahead.</p> <p>23 A. From what I understand, that they -- town hall</p> <p>24 had a meeting for people to go and debate about</p>	<p style="text-align: right;">20</p> <p>1 just for the record.</p> <p>2 MR. OETHEIMER: Which I've said myself.</p> <p>3 Q. Okay. My question was, have you ever heard</p> <p>4 about people making complaints about the</p> <p>5 Wheelabrator facility?</p> <p>6 A. Yes.</p> <p>7 Q. What kind of complaints have you heard people</p> <p>8 making?</p> <p>9 A. Just like you stated, I don't know, whatever</p> <p>10 neighborhood that is, they were making</p> <p>11 complaints about the smell and the dust and</p> <p>12 whatever it's creating in that area. I'm not</p> <p>13 sure where that area is.</p> <p>14 Q. You understand that there's been a meeting down</p> <p>15 at town hall where people can debate the issue</p> <p>16 of odors and dust?</p> <p>17 MR. OETHEIMER: Objection.</p> <p>18 A. I understand that there was a meeting at the</p> <p>19 town hall debating keeping the Wheelabrator or</p> <p>20 trying to shut it down.</p> <p>21 Q. Okay.</p> <p>22 A. Can you hear me all right?</p> <p>23 Q. You said you know Anthony Cogliano. In fact,</p> <p>24 he's at your house right now?</p>
<p style="text-align: right;">19</p> <p>1 it. The word "lawsuit" still never came up to</p> <p>2 me.</p> <p>3 Q. All right. Have you experienced people having</p> <p>4 complaints about the Wheelabrator facility</p> <p>5 before?</p> <p>6 MR. OETHEIMER: Objection.</p> <p>7 Q. Let me be really clear here. Mr. Oetheimer is</p> <p>8 not your coach. This is -- I'm going to ask the</p> <p>9 questions and you will answer them. Then</p> <p>10 Mr. Oetheimer will ask you some questions</p> <p>11 afterwards. Okay?</p> <p>12 MR. OETHEIMER: Matt, I'm going to</p> <p>13 object. All I said is "objection." That's not</p> <p>14 coaching.</p> <p>15 MR. ROBB: I understand.</p> <p>16 Q. (By Mr. Robb) But every time that I'm asking a</p> <p>17 question, Mr. Cooper, I see you looking over at</p> <p>18 Mr. Oetheimer.</p> <p>19 MR. OETHEIMER: I told him several</p> <p>20 times --</p> <p>21 Q. He's not here to coach you or tell you how to</p> <p>22 answer or anything like that. I'm going to ask</p> <p>23 you the questions and I need you to answer me</p> <p>24 directly, and Mr. Oetheimer's objections are</p>	<p style="text-align: right;">21</p> <p>1 A. No, he's not. Some of his guys are.</p> <p>2 Q. Okay. What's the nature of the work that his</p> <p>3 guys are doing at your house?</p> <p>4 A. Right now they are, I would say, taking down --</p> <p>5 well, I'm not sure because I'm not there.</p> <p>6 Usually I'm there to watch them because of my</p> <p>7 13-year-old Shepherd. I don't like leaving him</p> <p>8 alone when there's workers in the house. I</p> <p>9 think they are working on the ceiling.</p> <p>10 Q. Okay. Does Anthony have a company or something</p> <p>11 that does construction work?</p> <p>12 A. Uh-huh.</p> <p>13 MR. OETHEIMER: You need to say yes.</p> <p>14 Q. Is that a yes?</p> <p>15 MR. OETHEIMER: He can't take down nods.</p> <p>16 A. Yes.</p> <p>17 Q. What company did you hire to do that work?</p> <p>18 A. I don't really know the name of the company.</p> <p>19 Anthony's. It's Cogliano -- I don't know. I</p> <p>20 forget. It's on the heading of some of his</p> <p>21 papers.</p> <p>22 Q. Okay.</p> <p>23 A. I can get you that information if you need it.</p> <p>24 Q. No problem.</p>

<p style="text-align: right;">22</p> <p>1 A. Yeah.</p> <p>2 Q. How long have you known Anthony?</p> <p>3 A. I don't know. A long time. Ten years.</p> <p>4 Q. How did you meet?</p> <p>5 A. He's a neighbor of ours around the corner and my</p> <p>6 son and his brother are about the same age and</p> <p>7 they are friends. So we just happened to keep</p> <p>8 meeting over, like, funerals and then you end up</p> <p>9 talking to people. He lives around the corner.</p> <p>10 So we would see him a lot.</p> <p>11 Then it just went from there. The more</p> <p>12 often you see each other, the more you speak,</p> <p>13 the friendlier you get. That type of thing.</p> <p>14 Q. Is he a friend of yours?</p> <p>15 A. I would consider him a friend of mine, yeah.</p> <p>16 Q. Is Anthony family?</p> <p>17 A. Is Anthony part of my family?</p> <p>18 Q. Yes.</p> <p>19 A. No.</p> <p>20 Q. Have you ever worked with Anthony Cogliano other</p> <p>21 than having him do some work on your house?</p> <p>22 A. No. Work with him? No.</p> <p>23 Q. Do you have a family that lives with you in your</p> <p>24 house?</p>	<p style="text-align: right;">24</p> <p>1 Sometimes three times a week. It depends on how</p> <p>2 busy he is and how busy I am.</p> <p>3 Q. Is it work-related that you talk that</p> <p>4 frequently?</p> <p>5 A. No. Sometimes we just, you know, talking about</p> <p>6 things that -- like he's friends with my wife,</p> <p>7 too. Sometimes my wife talks to him.</p> <p>8 Q. Does he come over? Do you guys socialize?</p> <p>9 A. Sometimes we go over there. He don't come over</p> <p>10 our house much.</p> <p>11 Q. Like holiday gatherings and stuff you might go</p> <p>12 to Anthony's house?</p> <p>13 A. More like a party. I don't know if I would say</p> <p>14 -- we don't know a lot of his family. It's just</p> <p>15 like a neighborhood group.</p> <p>16 Q. Okay. When was the first time you ever heard</p> <p>17 about this deposition? Was it that text message</p> <p>18 you got from Jack?</p> <p>19 MR. OETHEIMER: Objection.</p> <p>20 A. The thing you put up on the screen?</p> <p>21 Q. Well, I saw that subpoena, but I thought you've</p> <p>22 never seen the subpoena before, right?</p> <p>23 A. No.</p> <p>24 Q. Okay. When was the first time that you learned</p>
<p style="text-align: right;">23</p> <p>1 A. I'm sorry.</p> <p>2 Q. Do you have family members who live with you in</p> <p>3 your house?</p> <p>4 A. Yeah, my wife and me and my loyal dog.</p> <p>5 Q. All right. Do you have any extended family in</p> <p>6 the town, in Saugus?</p> <p>7 A. No, I don't.</p> <p>8 Q. Has any of your family members ever worked with</p> <p>9 Anthony?</p> <p>10 A. No.</p> <p>11 Q. Never needed his help down at the city or</p> <p>12 anything?</p> <p>13 A. No.</p> <p>14 Q. When is the last time you talked to Anthony?</p> <p>15 A. This morning.</p> <p>16 Q. What did you talk about?</p> <p>17 A. How they were going to approach fixing the</p> <p>18 ceiling.</p> <p>19 Q. Did you talk about today's deposition at all?</p> <p>20 A. No. All I told him is I got to hurry up. I got</p> <p>21 to get to this thing that's going on that they</p> <p>22 are going to ask me questions.</p> <p>23 Q. Before that, how often do you and Anthony talk?</p> <p>24 A. I don't know. Once a week. Twice a week.</p>	<p style="text-align: right;">25</p> <p>1 about this deposition, that we wanted you to</p> <p>2 appear?</p> <p>3 A. Oh, this is the deposition right now?</p> <p>4 Q. Yes.</p> <p>5 MR. OETHEIMER: Yes.</p> <p>6 Q. Yeah, this is the deposition.</p> <p>7 A. I don't know. Maybe a couple of weeks ago.</p> <p>8 Q. Who first informed you about showing up to</p> <p>9 answer some questions at this deposition?</p> <p>10 A. Anthony might have.</p> <p>11 Q. You think that was a couple weeks ago?</p> <p>12 A. Yeah. Yeah. I didn't pay too much attention to</p> <p>13 it.</p> <p>14 Q. Would you say you first heard about it maybe</p> <p>15 around December 1st?</p> <p>16 MR. OETHEIMER: Objection.</p> <p>17 A. I'm trying to help you out here for a minute.</p> <p>18 No. I think Anthony is the one that might have</p> <p>19 mentioned it a little while back. But then I</p> <p>20 never heard from anybody.</p> <p>21 Q. Would it have been in November?</p> <p>22 MR. OETHEIMER: Objection.</p> <p>23 A. It could have been towards the end of November.</p> <p>24 It ain't that long ago.</p>

<p style="text-align: right;">26</p> <p>1 Q. Okay. How many times did you talk to Anthony or</p> <p>2 communicate with Anthony since you first heard</p> <p>3 about the deposition?</p> <p>4 MR. OETHEIMER: Objection.</p> <p>5 A. I'm sorry. Did you say how often did I talk to</p> <p>6 him about the deposition?</p> <p>7 Q. Yeah. How many times did you communicate with</p> <p>8 Anthony since learning about him wanting you to</p> <p>9 sit for this deposition?</p> <p>10 MR. OETHEIMER: Objection.</p> <p>11 A. Well, I talk to him quite a bit, but not about</p> <p>12 the deposition.</p> <p>13 Q. Okay. How often do you talk? Since November,</p> <p>14 how many times have you communicated with</p> <p>15 Anthony?</p> <p>16 MR. OETHEIMER: Objection.</p> <p>17 A. Well, I talk to Anthony a lot. Even if I got a</p> <p>18 question about construction, I might call him up</p> <p>19 for advice. I don't know where that part is</p> <p>20 going.</p> <p>21 Q. Do you know what Anthony Cogliano does for a</p> <p>22 living?</p> <p>23 A. Yeah, he's a councilman, ain't he? Ain't he a</p> <p>24 councilman?</p>	<p style="text-align: right;">28</p> <p>1 Q. Did he tell you what the lawsuit was about?</p> <p>2 MR. OETHEIMER: Objection.</p> <p>3 A. I don't know. I think I told you a couple of</p> <p>4 times, I never knew it was about a lawsuit. It</p> <p>5 never was mentioned.</p> <p>6 Q. Did you have any understanding about the issue</p> <p>7 of odors? Did he ever talk to you about odors?</p> <p>8 MR. OETHEIMER: Objection.</p> <p>9 A. Odors?</p> <p>10 Q. Yes, smells.</p> <p>11 A. Yeah. That was one of the questions he asked</p> <p>12 me. I told him, no, we don't have any smell</p> <p>13 where we are, no.</p> <p>14 Q. Did he ever talk to you about dust?</p> <p>15 A. Yeah. We don't get any dust. We get a lot of</p> <p>16 pollen.</p> <p>17 Q. Do you know if Anthony supports the Wheelabrator</p> <p>18 company?</p> <p>19 MR. OETHEIMER: Objection.</p> <p>20 A. Well -- if I had to make an educated guess, I</p> <p>21 would say by asking me those questions and</p> <p>22 having me sign that paper, he must support</p> <p>23 Wheelabrator.</p> <p>24 Q. Okay.</p>
<p style="text-align: right;">27</p> <p>1 Q. Well, I mean, I can represent he's a member of</p> <p>2 the board of selectmen.</p> <p>3 A. Yeah, board of selectmen.</p> <p>4 Q. Do you know of any other jobs he has or any</p> <p>5 other businesses he has?</p> <p>6 A. No, alls I know is he does carpentry.</p> <p>7 Q. Does he own any nightclubs or restaurants in</p> <p>8 town?</p> <p>9 A. Not that I know of. I know he has -- I know his</p> <p>10 carpentry business is legal because he does have</p> <p>11 headings. When you end up getting your receipts</p> <p>12 from him, he has a heading on there. I just</p> <p>13 forget the name of the business.</p> <p>14 Q. Okay.</p> <p>15 A. But if you need it, I can get it.</p> <p>16 Q. Yeah, that's okay. I'm just wondering in the</p> <p>17 many times that you've communicated with</p> <p>18 Anthony, has he ever talked to you specifically</p> <p>19 about this lawsuit?</p> <p>20 A. Never mentioned it was a lawsuit. Never.</p> <p>21 Q. Okay. Has he ever talked to you about</p> <p>22 Wheelabrator?</p> <p>23 A. Just when he asked me to sign them papers and</p> <p>24 asked me those questions.</p>	<p style="text-align: right;">29</p> <p>1 A. In my opinion. It's just my opinion.</p> <p>2 Q. Did Mr. Cogliano ask you to provide a statement</p> <p>3 about your experiences with the Wheelabrator</p> <p>4 facility?</p> <p>5 MR. OETHEIMER: Objection.</p> <p>6 A. No, he didn't say nothing to me either way, good</p> <p>7 or bad or otherwise.</p> <p>8 Q. Are you aware that Anthony is the co-chair of</p> <p>9 the Wheelabrator Saugus committee for the town</p> <p>10 of Saugus?</p> <p>11 MR. OETHEIMER: Objection.</p> <p>12 A. Is he a what?</p> <p>13 Q. Are you aware that Anthony is the co-chair of</p> <p>14 the Wheelabrator Saugus committee for the town</p> <p>15 of Saugus?</p> <p>16 A. No, I was not.</p> <p>17 Q. Are you aware that as part of his role as a</p> <p>18 government official for the town, he's trying to</p> <p>19 negotiate a host community agreement with</p> <p>20 Wheelabrator that would expand Wheelabrator's</p> <p>21 operation in Saugus?</p> <p>22 MR. OETHEIMER: Objection.</p> <p>23 A. No.</p> <p>24 Q. Are you aware that Saugus stands to collect a</p>

<p style="text-align: right;">30</p> <p>1 significant amount of cash revenue if it enters</p> <p>2 into a host agreement with Wheelabrator?</p> <p>3 MR. OETHEIMER: Objection.</p> <p>4 A. I don't know that. We are not that deep into --</p> <p>5 we are very private people. We just live in</p> <p>6 Saugus. You know, whatever goes on, as long as</p> <p>7 you don't bother us --</p> <p>8 Q. You don't really talk politics with Anthony?</p> <p>9 A. No. I don't talk politics with really anybody.</p> <p>10 Q. That's good advice.</p> <p>11 A. Yeah.</p> <p>12 Q. Are you employed?</p> <p>13 A. Part time.</p> <p>14 Q. What do you do?</p> <p>15 A. I drive. I pick up -- well, let me put it to</p> <p>16 you this way, I deliver state police clothes. I</p> <p>17 pick them up; we bring them back to our</p> <p>18 cleaners; we clean them; and then I go deliver</p> <p>19 the clean ones. We are in barracks Troop A and</p> <p>20 Troop H.</p> <p>21 Q. That's for the police?</p> <p>22 A. Yes, sir. State police.</p> <p>23 Q. Does your wife work?</p> <p>24 A. She owns the cleaners with my son.</p>	<p style="text-align: right;">32</p> <p>1 Q. Yes.</p> <p>2 A. No.</p> <p>3 Q. Are you involved in any local groups or</p> <p>4 organizations?</p> <p>5 A. Any local what?</p> <p>6 Q. Local groups or organizations.</p> <p>7 A. No.</p> <p>8 Q. Do you know anyone else who has provided a</p> <p>9 declaration like the one you've seen here today</p> <p>10 regarding odor and dust from Wheelabrator?</p> <p>11 A. No. What's the declaration, the thing you</p> <p>12 showed me?</p> <p>13 MR. OETHEIMER: Yeah. He will be showing</p> <p>14 it to you.</p> <p>15 His question is do you know anybody else</p> <p>16 who may have signed something like this?</p> <p>17 A. No, I don't.</p> <p>18 Q. All right. Do you know Sarah Cogliano?</p> <p>19 A. Sorry. I didn't know what you said.</p> <p>20 Q. Do you know Sarah Cogliano?</p> <p>21 A. No.</p> <p>22 Q. Do you know Stephanie Fernandez?</p> <p>23 A. No. I don't know what you even said the first</p> <p>24 time? What did you say the first time?</p>
<p style="text-align: right;">31</p> <p>1 Q. You work together on that? Do you work together</p> <p>2 -- she cleans the laundry and you help deliver?</p> <p>3 A. No, no. We have employees that -- we have</p> <p>4 employees that tag all the stuff in, clean them,</p> <p>5 and my son is usually there most of the time,</p> <p>6 but he just had a rotator cuff operation. Him</p> <p>7 and my wife own the company. Me, I'm just --</p> <p>8 I'm a slug that helps them out.</p> <p>9 MR. OETHEIMER: You work for your wife</p> <p>10 like the rest of us.</p> <p>11 A. I already had my career.</p> <p>12 Q. Don't we all.</p> <p>13 Where is the cleaner located?</p> <p>14 A. Broadway in Everett.</p> <p>15 Q. What's your son's name?</p> <p>16 A. Stephen.</p> <p>17 Q. Has Stephen ever worked for Wheelabrator?</p> <p>18 A. Wheelabrator?</p> <p>19 Q. Yeah.</p> <p>20 A. No.</p> <p>21 Q. Has Stephen ever worked for the town of Saugus?</p> <p>22 A. No.</p> <p>23 Q. Did you ever work for the town?</p> <p>24 A. Me?</p>	<p style="text-align: right;">33</p> <p>1 Q. Stephanie Fernandez.</p> <p>2 A. Fernandez?</p> <p>3 MR. OETHEIMER: Stephanie Fernandez.</p> <p>4 A. Stephanie Fernandez?</p> <p>5 Q. Stephanie Fernandez.</p> <p>6 A. No.</p> <p>7 Q. Do you know Elizabeth Marchese?</p> <p>8 A. No.</p> <p>9 Q. Do you know Richard Nuzzo?</p> <p>10 A. Are these people from Saugus or Everett?</p> <p>11 Q. Yeah.</p> <p>12 A. Huh?</p> <p>13 Q. Yes, they are from Saugus.</p> <p>14 A. Oh, no.</p> <p>15 Q. Do you know Jeff Polini?</p> <p>16 A. No. I'm from Everett originally. We moved to</p> <p>17 Saugus.</p> <p>18 Q. Do you know Jeff Polini?</p> <p>19 A. I don't know who that is either.</p> <p>20 Q. Do you know Doug Clark?</p> <p>21 A. No.</p> <p>22 Q. Have you ever attended any of the meetings down</p> <p>23 at town hall for Wheelabrator?</p> <p>24 A. No. I never attended a meeting down there for</p>

<p style="text-align: right;">34</p> <p>1 anything. I'm a very private person.</p> <p>2 Q. Okay. All right. Let's get down to the</p> <p>3 statements that brought you here today.</p> <p>4 I'm going to share my screen with you and</p> <p>5 represent this is a declaration that was</p> <p>6 provided with the name John Copper at the top on</p> <p>7 June 19, 2022. Can you see this?</p> <p>8 A. Yes.</p> <p>9 MR. OETHEIMER: Matt, I have a hard copy.</p> <p>10 Would you like me to put out a hard copy? It</p> <p>11 may be easier.</p> <p>12 MR. ROBB: Yes, Richard, if you could</p> <p>13 provide a copy to him, I'm going to introduce as</p> <p>14 Exhibit 2 the declaration of a John Copper from</p> <p>15 June 19, 2022.</p> <p>16 MR. OETHEIMER: All right. I'm handing</p> <p>17 the witness a physical hard copy of it. And I</p> <p>18 have written myself Exhibit 2 on it just so we</p> <p>19 can keep things straight, because I assume</p> <p>20 you'll show him Exhibit 3 at some point.</p> <p>21 Mr. Cooper, that is the same document</p> <p>22 that is up on the screen.</p> <p>23 (Deposition Exhibit No. 2</p> <p>24 marked for identification.)</p>	<p style="text-align: right;">36</p> <p>1 just to be clear. The typed stuff is on there,</p> <p>2 too.</p> <p>3 Q. Did you write any handwritten text on this</p> <p>4 document?</p> <p>5 A. No.</p> <p>6 Q. You pointed out that your address is 45 Bristow</p> <p>7 Street in Saugus; is that correct?</p> <p>8 A. That's right.</p> <p>9 Q. Isn't it right that Exhibit 2 has 44 Bristow</p> <p>10 Street?</p> <p>11 A. Yeah. Over here on the right. Yeah.</p> <p>12 Q. You probably wouldn't have written that because</p> <p>13 that's not your address, right?</p> <p>14 A. No. This is June of '22?</p> <p>15 Q. Yes.</p> <p>16 A. It says here.</p> <p>17 Q. Yeah, June of '22.</p> <p>18 A. It says over here, somebody circled this thing</p> <p>19 here and said you have lived at this address for</p> <p>20 18 years. We've been here for 23 years.</p> <p>21 Q. So that information isn't correct either?</p> <p>22 A. No.</p> <p>23 Q. Is there any other information on this document</p> <p>24 that you see is incorrect?</p>
<p style="text-align: right;">35</p> <p>1 A. Yeah, you already showed me that.</p> <p>2 Q. Mr. Cooper, do you see at the bottom next to</p> <p>3 executed on June 19, 2022, a signature at the</p> <p>4 bottom?</p> <p>5 A. Yeah.</p> <p>6 Q. Is that your signature?</p> <p>7 A. On the right-hand side?</p> <p>8 Q. Yes.</p> <p>9 A. No.</p> <p>10 Q. Do you know whose signature it is?</p> <p>11 A. No.</p> <p>12 Q. Do you see in paragraph 1 where it says, My Name</p> <p>13 is and then there's a blank space. Do you see</p> <p>14 that it says John Copper?</p> <p>15 A. Yes.</p> <p>16 Q. Is that your handwriting?</p> <p>17 A. No.</p> <p>18 Q. It probably makes sense that it's not your</p> <p>19 handwriting because your name is not John Copper</p> <p>20 as this document says, is it?</p> <p>21 A. That's right.</p> <p>22 Q. You did not write any of the text that's on this</p> <p>23 document?</p> <p>24 MR. OETHEIMER: Any of the handwriting,</p>	<p style="text-align: right;">37</p> <p>1 MR. OETHEIMER: Objection.</p> <p>2 A. Should I read it?</p> <p>3 Q. Yeah. Take your time to read it. Do you see</p> <p>4 any other information on this declaration from</p> <p>5 June 19 that is incorrect?</p> <p>6 MR. OETHEIMER: Objection.</p> <p>7 Are you asking him about the handwritten</p> <p>8 portion or the typed portion or both?</p> <p>9 MR. ROBB: Any portion.</p> <p>10 A. No. I don't even know who Brenda Sweetland is.</p> <p>11 Q. Okay.</p> <p>12 A. Whoever -- is this person writing down my</p> <p>13 information falsely?</p> <p>14 Q. That's what I'm asking you. Do you think that</p> <p>15 somebody put false information on this document?</p> <p>16 MR. OETHEIMER: Objection.</p> <p>17 A. Well, I don't know this person. So maybe they</p> <p>18 did.</p> <p>19 Q. Okay.</p> <p>20 A. Which street do they live on?</p> <p>21 Q. Are you aware that this document was provided to</p> <p>22 Wheelabrator as evidence in relation to this</p> <p>23 lawsuit?</p> <p>24 A. No, I'm not aware of that.</p>

<p style="text-align: right;">38</p> <p>1 Q. Did you authorize anyone to sign this document</p> <p>2 for you?</p> <p>3 A. I didn't authorize anyone to sign anything like</p> <p>4 this. I never even seen this. I know there</p> <p>5 was --</p> <p>6 Q. Okay.</p> <p>7 MR. OETHEIMER: Matt, you cut off the</p> <p>8 witness's answer.</p> <p>9 Q. Was there something that you were trying to say?</p> <p>10 MR. OETHEIMER: He started --</p> <p>11 Q. He said, I've never seen this document. Did you</p> <p>12 say anything after that?</p> <p>13 MR. OETHEIMER: Then he said, I know --</p> <p>14 A. I know I got bugged by one of my half-ass</p> <p>15 neighbors way up the street, at the top of my</p> <p>16 street, bothering me for about a half hour while</p> <p>17 I was trying to get my dog in the house so I</p> <p>18 could go to work. He was giving me a hard time</p> <p>19 about why I voted on Anthony's side.</p> <p>20 And then he asked about the thing you</p> <p>21 were talking about at the town hall. So I told</p> <p>22 him, Go ahead. If you want to debate it, debate</p> <p>23 it. It doesn't bother me. That wasn't a girl.</p> <p>24 That was a guy.</p>	<p style="text-align: right;">40</p> <p>1 A. I also --</p> <p>2 MR. OETHEIMER: Hold on. You keep</p> <p>3 cutting off -- I appreciate you are remote and</p> <p>4 the witness is sort of a little halting, but you</p> <p>5 are cutting off his answers, Matt. Maybe you</p> <p>6 want to just be a little more patient and give</p> <p>7 him an opportunity.</p> <p>8 MR. ROBB: Yeah, purely unintentional. I</p> <p>9 think it might have to do with the technological</p> <p>10 delay here.</p> <p>11 MR. OETHEIMER: I appreciate that.</p> <p>12 A. I also told the guy that nothing comes over here</p> <p>13 or bothers us from Wheelabrator. That's when he</p> <p>14 started giving me information that I didn't have</p> <p>15 time to listen to and I had to go.</p> <p>16 Q. Do you know who this neighbor was?</p> <p>17 A. I don't know his name. I know where he lives.</p> <p>18 Q. You understood they were going door to door</p> <p>19 trying to get people to speak out in opposition</p> <p>20 to Wheelabrator?</p> <p>21 MR. OETHEIMER: Objection.</p> <p>22 A. Yes.</p> <p>23 Q. All right. So what my question was before, on</p> <p>24 or before June 19, 2022, had you ever been</p>
<p style="text-align: right;">39</p> <p>1 Q. What vote did you make?</p> <p>2 A. I didn't make any vote. I told him if he wanted</p> <p>3 to debate it, go ahead and debate it.</p> <p>4 Q. What did the person approach you about?</p> <p>5 A. About the Wheelabrator.</p> <p>6 Q. What were they trying to -- were they trying to</p> <p>7 get you to sign something in opposition to</p> <p>8 Wheelabrator?</p> <p>9 MR. OETHEIMER: Objection.</p> <p>10 A. Yes.</p> <p>11 Q. You did not want to sign anything in opposition</p> <p>12 to Wheelabrator?</p> <p>13 A. No.</p> <p>14 Q. Is that because you are on Anthony's side?</p> <p>15 MR. OETHEIMER: Objection.</p> <p>16 A. Well, I don't know if you want to call it sides.</p> <p>17 I guess it turns out that there is sides, but I</p> <p>18 already told him, I signed with Anthony.</p> <p>19 Q. Okay. You sided with Anthony on keeping -- your</p> <p>20 understanding, you signed with Anthony on</p> <p>21 keeping the Wheelabrator facility open?</p> <p>22 MR. OETHEIMER: Objection.</p> <p>23 A. Yes.</p> <p>24 Q. Okay.</p>	<p style="text-align: right;">41</p> <p>1 approached by anyone to sign this document that</p> <p>2 we marked as Exhibit 2?</p> <p>3 A. I'm sorry. What did he ask me?</p> <p>4 MR. OETHEIMER: Why don't you read it</p> <p>5 back or why don't you say it again. Basically,</p> <p>6 repeat the question.</p> <p>7 Q. On or before June 19, 2022, which is the date at</p> <p>8 the bottom of Exhibit 2, had you ever been</p> <p>9 approached by anyone to ask you to sign a</p> <p>10 declaration like this?</p> <p>11 A. What's Anthony's look like?</p> <p>12 MR. OETHEIMER: He's asking what</p> <p>13 Anthony's looks like. I don't know, Matt, if</p> <p>14 you want me to show him. It's obviously got a</p> <p>15 later date.</p> <p>16 Q. What I'm trying to say, we can agree that you</p> <p>17 didn't sign this document?</p> <p>18 MR. OETHEIMER: Exhibit 2?</p> <p>19 MR. ROBB: Correct.</p> <p>20 MR. OETHEIMER: Not that, Exhibit 2.</p> <p>21 Q. As of June 19, 2022, you did not sign that</p> <p>22 document, right?</p> <p>23 A. The only document I signed was Anthony's. I</p> <p>24 don't know what the date was unless I look at</p>

<p style="text-align: right;">42</p> <p>1 the paper over there.</p> <p>2 MR. OETHEIMER: I can't give it to you</p> <p>3 but if he -- I will eventually. He probably</p> <p>4 will eventually.</p> <p>5 MR. ROBB: I can show you what I'll mark</p> <p>6 as Exhibit 3.</p> <p>7 (Deposition Exhibit No. 3</p> <p>8 marked for identification.)</p> <p>9 MR. OETHEIMER: Matt, can I provide him</p> <p>10 with Exhibit 3.</p> <p>11 MR. ROBB: Yes, please do.</p> <p>12 Q. I have marked as Exhibit 3 a declaration that</p> <p>13 appears to be signed on August 22, 2022.</p> <p>14 Do you see that?</p> <p>15 A. Yeah, I do see this.</p> <p>16 Q. Okay. Now, what I'm asking is, before, on or</p> <p>17 before June 19th -- now I'm looking at Exhibit</p> <p>18 2, since June 19th is the date on the Exhibit 2</p> <p>19 declaration -- had you ever seen a document like</p> <p>20 this as of June 19, 2022?</p> <p>21 A. I don't know. I signed Anthony's document</p> <p>22 before August.</p> <p>23 Q. I see a document August 22, 2022, that we've</p> <p>24 marked as Exhibit 3. If you look at the bottom,</p>	<p style="text-align: right;">44</p> <p>1 take his coat off.</p> <p>2 A. It's a lot more than four questions. Go ahead.</p> <p>3 Q. You said many -- can you hear me?</p> <p>4 A. I can hear you now.</p> <p>5 Q. You said that you first saw this document when</p> <p>6 Anthony came into your driveway; is that</p> <p>7 correct?</p> <p>8 A. That's right.</p> <p>9 Q. Do you recall when that was?</p> <p>10 A. I can't tell you what month, but I know my car</p> <p>11 was full of pollen then.</p> <p>12 Q. Your what was full of pollen?</p> <p>13 A. You know, our cars. Our cars were all covered</p> <p>14 with pollen. I thought that was one of the wise</p> <p>15 answers I gave him when he asked me do we get</p> <p>16 any dust around here. Sometimes I like to goof</p> <p>17 around.</p> <p>18 Q. Okay. What else did you and Anthony talk about?</p> <p>19 A. That's it. He asked me four questions and then</p> <p>20 they left.</p> <p>21 Q. Okay. You signed the document on the date when</p> <p>22 Anthony came to your driveway?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Where did you sign it?</p>
<p style="text-align: right;">43</p> <p>1 did you sign the document, the declaration,</p> <p>2 executed on August 22, 2022?</p> <p>3 MR. OETHEIMER: Exhibit 3.</p> <p>4 A. This one?</p> <p>5 MR. OETHEIMER: Yes.</p> <p>6 A. Yeah. I don't remember if that's the date.</p> <p>7 Q. That's your signature at the bottom of Exhibit</p> <p>8 3?</p> <p>9 A. This is my signature right here. I don't</p> <p>10 remember what date it was. I thought I signed</p> <p>11 it long before this other guy had bothered me.</p> <p>12 Q. To the best of your recollection, if you don't</p> <p>13 remember, that's fine, but when is the first</p> <p>14 time that you ever saw a blank version of this</p> <p>15 declaration?</p> <p>16 MR. OETHEIMER: Objection.</p> <p>17 A. I didn't see any blank version.</p> <p>18 Q. When is the first time you saw any version of</p> <p>19 this declaration?</p> <p>20 A. When Anthony come in my driveway and asked me</p> <p>21 those questions.</p> <p>22 Can I take this off?</p> <p>23 MR. OETHEIMER: Oh, sure. Hold on a</p> <p>24 second. They witness is warm and would like to</p>	<p style="text-align: right;">45</p> <p>1 A. Did I sign it? In the driveway.</p> <p>2 Q. Like, on your car or something like that?</p> <p>3 A. No, he had like a, you know, the thing with the</p> <p>4 clipboard. Yeah, a clipboard.</p> <p>5 Q. Was Anthony going door to door?</p> <p>6 MR. OETHEIMER: Objection.</p> <p>7 A. Not that I could tell.</p> <p>8 Q. You think he came specifically to visit you?</p> <p>9 MR. OETHEIMER: Objection. Foundation.</p> <p>10 A. I don't know about that either, honestly. I</p> <p>11 imagine he went to probably a lot of people that</p> <p>12 he knows. That would be --</p> <p>13 Q. Do you know why he came to you?</p> <p>14 A. To see if would I sign this thing for him.</p> <p>15 Q. What's your understanding of why he wanted you</p> <p>16 to sign this declaration?</p> <p>17 MR. OETHEIMER: Objection. Foundation.</p> <p>18 A. It's just my opinion. You know, like you said,</p> <p>19 he's a councilman -- what is he, a councilman?</p> <p>20 MR. OETHEIMER: Selectman.</p> <p>21 A. Selectman. He's a selectmen. To me, he's just</p> <p>22 a high politician up in the town hall. So he</p> <p>23 was -- probably asked me about this for some</p> <p>24 reason that I really wasn't concerned or worried</p>

<p style="text-align: right;">46</p> <p>1 about.</p> <p>2 Q. So you thought he was just trying to get</p> <p>3 information on a public interest matter?</p> <p>4 A. Yeah.</p> <p>5 MR. OETHEIMER: Objection.</p> <p>6 Q. But you didn't know it was about a lawsuit?</p> <p>7 MR. OETHEIMER: Objection.</p> <p>8 A. No, I did not. I didn't even know there was</p> <p>9 opposition against it, against Wheelabrator.</p> <p>10 Q. Except when your neighbor came to express</p> <p>11 opposition to Wheelabrator, right?</p> <p>12 A. Yeah. That's pretty much when I found out there</p> <p>13 was something going on. He was the one that</p> <p>14 told me about the town hall meeting.</p> <p>15 Q. But you told them you didn't want to sign with</p> <p>16 them?</p> <p>17 MR. OETHEIMER: Objection.</p> <p>18 A. No. Why am I going to do that? I signed with</p> <p>19 one. I signed with the other.</p> <p>20 Q. You wanted to side with Anthony?</p> <p>21 MR. OETHEIMER: Objection.</p> <p>22 A. That's right.</p> <p>23 Q. I'm going to just direct your attention over to</p> <p>24 Exhibit 2, which is the June 19, 2022, version.</p>	<p style="text-align: right;">48</p> <p>1 name?</p> <p>2 MR. OETHEIMER: Objection.</p> <p>3 Q. I was asking you the question. You had already</p> <p>4 told me you didn't authorize anyone to sign your</p> <p>5 name for you, right?</p> <p>6 MR. OETHEIMER: Objection.</p> <p>7 THE WITNESS: Is this somebody signed my</p> <p>8 name?</p> <p>9 MR. OETHEIMER: I can't answer questions.</p> <p>10 A. All right. Can you ask me that one more time so</p> <p>11 I can understand it?</p> <p>12 Q. Yeah.</p> <p>13 You didn't authorize anyone to sign your</p> <p>14 name for you, did you?</p> <p>15 A. No, I did not.</p> <p>16 Q. Is today the first time you are learning that</p> <p>17 someone signed your name for you on a legal</p> <p>18 document?</p> <p>19 MR. OETHEIMER: Objection.</p> <p>20 A. Yeah.</p> <p>21 MR. OETHEIMER: By the way, I will just</p> <p>22 repeat the statement I have made at other</p> <p>23 depositions, but for Mr. Cooper's benefit,</p> <p>24 Wheelabrator has made it clear to Mr. Robb and</p>
<p style="text-align: right;">47</p> <p>1 Are you looking at that right now?</p> <p>2 A. Yeah.</p> <p>3 MR. OETHEIMER: He is. I will take this</p> <p>4 one back.</p> <p>5 Q. All right. Take a look at the declaration at</p> <p>6 the top where it says, "Pursuant to 28 U.S.C.,</p> <p>7 Section 1746, I declare and say," do you see</p> <p>8 that?</p> <p>9 A. Yes.</p> <p>10 Q. Are you familiar with 28 U.S.C. 1746?</p> <p>11 A. Am I familiar with --</p> <p>12 Q. It's a law. It's a law. Are you familiar with</p> <p>13 that law?</p> <p>14 A. No, I'm not.</p> <p>15 Q. You don't know if that statute allows other</p> <p>16 people to sign your name without your</p> <p>17 permission?</p> <p>18 MR. OETHEIMER: Objection.</p> <p>19 A. No, I did not know that.</p> <p>20 Q. Similarly, you don't know if that statute</p> <p>21 requires the signatory to be the person who is</p> <p>22 signing the document, do you?</p> <p>23 MR. OETHEIMER: Objection.</p> <p>24 A. This gives somebody the permission to sign my</p>	<p style="text-align: right;">49</p> <p>1 his office that we will not offer to the Court</p> <p>2 any declarations that were not signed by the</p> <p>3 person whose name appears on it.</p> <p>4 So Exhibit 3 that you did sign, we will</p> <p>5 offer, but I've told Attorney Robb that we will</p> <p>6 not offer Exhibit 2 that you did not sign</p> <p>7 yourself.</p> <p>8 Again, I just want to make that statement</p> <p>9 for the record to allay any -- to make sure the</p> <p>10 witness understands we are not seeking to use</p> <p>11 the document that he did not sign if that's not</p> <p>12 his authentic signature.</p> <p>13 Q. (By Mr. Robb) In fact, you had never seen this</p> <p>14 document as of June 2022, had you?</p> <p>15 MR. OETHEIMER: Objection. Seen it</p> <p>16 signed or seen --</p> <p>17 Q. Mr. Cooper, I'm asking you, had you ever seen</p> <p>18 this document, this declaration, as of June 19,</p> <p>19 2022?</p> <p>20 MR. OETHEIMER: Objection, because he was</p> <p>21 a little unclear about when he saw the form.</p> <p>22 You are talking about the document bearing his,</p> <p>23 what purports to be is signature; is that right?</p> <p>24 Q. With or without your signature, have you ever</p>

<p style="text-align: right;">50</p> <p>1 seen a document dated June 19, 2022, with a</p> <p>2 signature on it that was not your own?</p> <p>3 A. No.</p> <p>4 Q. Do you see on paragraph 6 of the declaration</p> <p>5 where it says, "I declare under penalty of</p> <p>6 perjury that the foregoing is true and correct"?</p> <p>7 A. I declare under the penalty of perjury --</p> <p>8 MR. OETHEIMER: I will object. To the</p> <p>9 extent there's any implication, if the witness</p> <p>10 didn't sign the document, then that declaration</p> <p>11 is not something he declared.</p> <p>12 Q. Do you see the paragraph that I'm showing you?</p> <p>13 A. No. 6?</p> <p>14 MR. OETHEIMER: Yes.</p> <p>15 Q. Yes.</p> <p>16 A. Yes.</p> <p>17 Q. Do you know what perjury is?</p> <p>18 A. No. I could have seen this piece of paper</p> <p>19 empty. But I never seen this piece of paper</p> <p>20 written on.</p> <p>21 Q. What I want to ask you, are you comfortable with</p> <p>22 having someone sign your name for you without</p> <p>23 seeing the document beforehand knowing that it</p> <p>24 was signed under the penalty of perjury?</p>	<p style="text-align: right;">52</p> <p>1 Ask me it again.</p> <p>2 Q. Yes. On paragraph 1 of Exhibit 3, the August</p> <p>3 declaration that you signed, is that your</p> <p>4 handwriting?</p> <p>5 A. On the very top?</p> <p>6 MR. OETHEIMER: In paragraph 1 where it</p> <p>7 says your name and address.</p> <p>8 THE WITNESS: Line one?</p> <p>9 MR. OETHEIMER: Yes, line one.</p> <p>10 A. No, that's not my handwriting.</p> <p>11 Q. Do you know whose handwriting it is?</p> <p>12 A. No.</p> <p>13 Q. But Anthony Cogliano brought this to your home</p> <p>14 prefilled out?</p> <p>15 MR. OETHEIMER: Objection.</p> <p>16 A. Yeah, it might have been already filled out.</p> <p>17 Q. Do you recall if this information was filled in</p> <p>18 at the time you signed it?</p> <p>19 A. No. He probably wrote it right there while I</p> <p>20 was in the driveway.</p> <p>21 Q. At least as far as paragraph 1 goes, you didn't</p> <p>22 write it?</p> <p>23 A. I didn't write that.</p> <p>24 Q. Was anyone else present at the time that he</p>
<p style="text-align: right;">51</p> <p>1 MR. OETHEIMER: Objection.</p> <p>2 A. Am I comfortable with it? No, of course I'm not</p> <p>3 comfortable with it.</p> <p>4 Q. Now, I'm going to ask you a little bit about</p> <p>5 Exhibit 3, which you said -- did you sign</p> <p>6 Exhibit 3 dated August 22, 2022?</p> <p>7 MR. OETHEIMER: That one.</p> <p>8 A. Yes.</p> <p>9 Q. Am I correct that paragraph 1 of Exhibit 3</p> <p>10 indicates your address as 44 Bristow Street,</p> <p>11 Saugus?</p> <p>12 A. Yes, I see that, yeah.</p> <p>13 Q. That's not your address, is it?</p> <p>14 A. No.</p> <p>15 Q. You haven't lived at your home for only 18</p> <p>16 years, have you?</p> <p>17 A. No.</p> <p>18 Q. You have lived there for 23?</p> <p>19 A. Yeah.</p> <p>20 Q. Is it fair to say in paragraph 1, you also did</p> <p>21 not fill out the blank spaces on Exhibit 3?</p> <p>22 A. Say that again.</p> <p>23 Q. Is that your handwriting in paragraph 1?</p> <p>24 A. I want -- no, I want to understand the question.</p>	<p style="text-align: right;">53</p> <p>1 signed the declaration in your driveway?</p> <p>2 A. Yeah, there was somebody in the driver's seat.</p> <p>3 Q. With Anthony?</p> <p>4 A. Yes.</p> <p>5 Q. Who was that?</p> <p>6 A. I don't know who that was.</p> <p>7 Q. Somebody drove Anthony there?</p> <p>8 A. Yeah.</p> <p>9 Q. To your house?</p> <p>10 A. Yeah.</p> <p>11 Q. Was that yes?</p> <p>12 A. I would figure they've probably been driving</p> <p>13 around for a while.</p> <p>14 Q. You don't recall if that information was already</p> <p>15 filled in at the time you signed it?</p> <p>16 A. I can't recall if that was in there or not in</p> <p>17 there.</p> <p>18 Q. What did Anthony ask you during that</p> <p>19 conversation in your driveway?</p> <p>20 A. He asked me do I -- he's going to ask me a</p> <p>21 couple of questions about the Wheelabrator. I</p> <p>22 said okay. He goes, Do you get any dust up here</p> <p>23 from, you know, any odd kind of dust, not</p> <p>24 pollen, just dust in the air? I told him no.</p>

<p style="text-align: right;">54</p> <p>1 He said, Do you get any smell over here? And I</p> <p>2 told him, No, we don't smell nothing. And I</p> <p>3 made the joke about the pollen in the air.</p> <p>4 And then he asked me another question</p> <p>5 that I don't remember what it was. I told you</p> <p>6 that when you first asked me that, and then he</p> <p>7 said, Do you have any problem with the</p> <p>8 Wheelabrator? I said only at night when it</p> <p>9 wakes you up. That was kind of like another</p> <p>10 joke because it really don't bother us.</p> <p>11 Then he asked me, Okay. Do you want to</p> <p>12 sign this for us? We are trying to keep the</p> <p>13 Wheelabrator going. I said, Okay.</p> <p>14 Q. Great. Did you do it pretty quick? Did you</p> <p>15 take the time to read everything on the paper?</p> <p>16 A. No. Usually I just trust him.</p> <p>17 Q. Okay. When Anthony was there in your driveway</p> <p>18 and asked you these questions, did you</p> <p>19 understand this document would be provided to</p> <p>20 Wheelabrator in a legal proceeding?</p> <p>21 MR. OETHEIMER: Objection.</p> <p>22 A. No, I thought this was something that had to do</p> <p>23 with him and his politics.</p> <p>24 Q. At the time that Anthony asked you to sign the</p>	<p style="text-align: right;">56</p> <p>1 Q. Earlier on I was saying that Brenda Sweetland</p> <p>2 filed the lawsuit and she's seeking to represent</p> <p>3 a class of people in the community who have been</p> <p>4 impacted by odors and dust. So a punitive class</p> <p>5 member is someone who isn't part of the class</p> <p>6 yet, but the lawsuit could impact your rights if</p> <p>7 the class is certified.</p> <p>8 Did Anthony tell you that by signing a</p> <p>9 statement like this, that you might lose your</p> <p>10 right in the future to participate or collect on</p> <p>11 any money that the lawsuit obtains on behalf of</p> <p>12 the class?</p> <p>13 MR. OETHEIMER: Objection.</p> <p>14 A. Can I have his name so I can address him</p> <p>15 correctly?</p> <p>16 MR. OETHEIMER: It's Matthew Robb.</p> <p>17 A. Matthew Robb.</p> <p>18 Q. Yeah, you can call me Matt.</p> <p>19 A. Hi, Matt. Matt, I don't know anything about a</p> <p>20 lawsuit. I don't know anything about that.</p> <p>21 Q. Okay. Anthony didn't tell you either?</p> <p>22 A. No. You've asked me that a couple of times or</p> <p>23 more than a couple of times.</p> <p>24 Q. Okay.</p>
<p style="text-align: right;">55</p> <p>1 statement that is marked as Exhibit 3, did</p> <p>2 Anthony inform you that there was a proposed</p> <p>3 class action going on relating to Wheelabrator's</p> <p>4 odor and dust?</p> <p>5 MR. OETHEIMER: Objection. Foundation.</p> <p>6 Go ahead.</p> <p>7 A. No, this was very quick. He pulled into the</p> <p>8 driveway. I was outside. He asked me a couple</p> <p>9 of questions. He asked me if I would sign it.</p> <p>10 I signed it, and then him and his buddy took</p> <p>11 off.</p> <p>12 Q. Okay.</p> <p>13 A. I actually never really looked at who was</p> <p>14 driving the car actually.</p> <p>15 Q. Yeah. When Anthony asked you to sign the</p> <p>16 statement in Exhibit 3, did he inform you you</p> <p>17 may be a member of a punitive class and that</p> <p>18 your rights might be impacted by the lawsuit?</p> <p>19 A. A punitive class? I don't know what that is.</p> <p>20 Q. So he didn't tell you about that?</p> <p>21 A. No.</p> <p>22 What's a punitive class?</p> <p>23 Q. Did he tell you about that? I can tell you --</p> <p>24 A. No, no.</p>	<p style="text-align: right;">57</p> <p>1 A. I don't lie. So I've told you I don't know how</p> <p>2 many times, I don't know anything about a</p> <p>3 lawsuit.</p> <p>4 Q. I appreciate that.</p> <p>5 Did Anthony tell you that he was there on</p> <p>6 behalf of Wheelabrator and that Wheelabrator</p> <p>7 doesn't represent your interests in the case?</p> <p>8 MR. OETHEIMER: Objection.</p> <p>9 A. If I remember right, I'm pretty sure he</p> <p>10 mentioned this was something about Wheelabrator.</p> <p>11 Q. Did he say that he was getting that signature</p> <p>12 for Wheelabrator?</p> <p>13 A. No, I didn't get any into details, no.</p> <p>14 Q. Have you ever heard of a law firm called Goodwin</p> <p>15 Procter?</p> <p>16 A. No.</p> <p>17 Q. That's where Richard Oetheimer works and they</p> <p>18 represent Wheelabrator.</p> <p>19 Have you ever heard --</p> <p>20 THE WITNESS: That's you?</p> <p>21 MR. OETHEIMER: Yes.</p> <p>22 Q. -- of the law firm called Liddle Sheets Coulson?</p> <p>23 MR. OETHEIMER: Me. He's pointing to me.</p> <p>24 Yes, that's me. It's me and it's my law firm,</p>

<p style="text-align: right;">58</p> <p>1 but he hasn't heard of Goodwin Procter or me.</p> <p>2 Q. Have you ever heard of a law firm called Liddle</p> <p>3 Sheets Coulson?</p> <p>4 MR. OETHEIMER: That's him.</p> <p>5 A. The only time I heard your name was this guy</p> <p>6 Jack.</p> <p>7 MR. OETHEIMER: When somebody basically</p> <p>8 told you --</p> <p>9 THE WITNESS: Call you.</p> <p>10 MR. OETHEIMER: -- to come here.</p> <p>11 THE WITNESS: That's the only thing I can</p> <p>12 think of.</p> <p>13 MR. OETHEIMER: You should be thanking</p> <p>14 us. Actually, the subpoena actually didn't make</p> <p>15 it to his address. So we basically arranged his</p> <p>16 attendance. Because the last time when you</p> <p>17 subpoenaed people in August, obviously that</p> <p>18 didn't happen. We attempted to secure his</p> <p>19 attendance today and apparently we succeeded.</p> <p>20 Q. (By Mr. Robb) Well, in any case, I think we know</p> <p>21 the answer, but when Anthony talked to you to</p> <p>22 ask you to sign the document, he didn't tell you</p> <p>23 that you have a right to contact us to ask what</p> <p>24 legal rights you might have in the case?</p>	<p style="text-align: right;">60</p> <p>1 Wheelabrator has emitted noxious odors and dust</p> <p>2 and that I may be a member of the proposed</p> <p>3 class; (3) I'm providing this to Wheelabrator</p> <p>4 and its attorneys who do not represent me and</p> <p>5 who may use it to defend against the proposed</p> <p>6 class action."</p> <p>7 A. No, I did not.</p> <p>8 Q. "And (4) before signing, I was informed that I</p> <p>9 have the right to contact plaintiff's counsel in</p> <p>10 the pending lawsuit, Liddle Sheets Coulson."</p> <p>11 It's not correct that you understood that</p> <p>12 at the time you signed it, is it?</p> <p>13 A. I did not read that and he did not ask me to</p> <p>14 read it.</p> <p>15 Q. Do you know if Jack, the man who texted you</p> <p>16 about today's deposition, is the same person who</p> <p>17 was in the car with Anthony?</p> <p>18 A. No, I did not know that either.</p> <p>19 Q. Do you know Jack?</p> <p>20 A. I don't even know if that's true. I don't know</p> <p>21 who Jack is and I don't know if Jack was in the</p> <p>22 car with him. What's Jack last name?</p> <p>23 Q. That's what I would like to know.</p> <p>24 A. Yeah, I don't know either.</p>
<p style="text-align: right;">59</p> <p>1 A. Again, I didn't know there was a case. I</p> <p>2 thought I was signing something for him to do</p> <p>3 with his politics. I hate politics. Because</p> <p>4 quite frankly, we don't have any real just</p> <p>5 politics anymore. Take a look at your</p> <p>6 president.</p> <p>7 Now, I got that piece of paper, I signed</p> <p>8 it for Anthony. Anthony is a friend of mine. I</p> <p>9 trust him. I figured it was something to do</p> <p>10 with his politics that I do not get involved in</p> <p>11 and I went back to what I was doing. He went</p> <p>12 off and that is the last I heard of it.</p> <p>13 Q. Okay. Anthony didn't tell you about your rights</p> <p>14 in the lawsuit and that you didn't actually read</p> <p>15 this disclaimer at the very bottom, it's not</p> <p>16 true that you acknowledged all of that, is it?</p> <p>17 MR. OETHEIMER: Objection.</p> <p>18 A. It's not true what?</p> <p>19 Q. If you look, see the asterisk at the bottom</p> <p>20 underneath the signature page, "I understand and</p> <p>21 agree that: (1) I'm signing this voluntarily and</p> <p>22 I will not suffer any consequences if I decide</p> <p>23 not to sign it; (2) I have been informed that</p> <p>24 there is a proposed class action alleging that</p>	<p style="text-align: right;">61</p> <p>1 Q. You spoke to him on the phone?</p> <p>2 A. Yeah.</p> <p>3 Q. Do you know what his interest was in making sure</p> <p>4 that you showed up today?</p> <p>5 MR. OETHEIMER: Objection.</p> <p>6 A. Well, I just assumed it had something to do with</p> <p>7 helping Anthony out.</p> <p>8 Q. That's what you wanted to do?</p> <p>9 THE WITNESS: Is this mine?</p> <p>10 MR. OETHEIMER: Sure. Yes.</p> <p>11 A. Sorry, sir?</p> <p>12 Q. That's what you wanted to do is help Anthony</p> <p>13 this whole time, right?</p> <p>14 MR. OETHEIMER: Objection.</p> <p>15 A. Yeah.</p> <p>16 Q. Is that a yes?</p> <p>17 A. Yes. It had to do with my name on here. So --</p> <p>18 Q. Are you comfortable having a document that you</p> <p>19 did not sign offered as evidence in litigation</p> <p>20 when you didn't even know who wrote the</p> <p>21 information?</p> <p>22 MR. OETHEIMER: Which document? The</p> <p>23 document that's in front of him at this point,</p> <p>24 Matt, Exhibit 3 --</p>

<p style="text-align: right;">62</p> <p>1 MR. ROBB: Yes.</p> <p>2 MR. OETHEIMER: -- is the one he signed.</p> <p>3 Are you asking about that document?</p> <p>4 Q. A document that wasn't signed by you used as</p> <p>5 evidence in litigation when you don't know who</p> <p>6 wrote the information?</p> <p>7 MR. OETHEIMER: Well, objection. Asked</p> <p>8 and answered. I thought you asked him that</p> <p>9 before, I thought, when he had Exhibit 2 in</p> <p>10 front of him.</p> <p>11 MR. ROBB: I asked him if he was</p> <p>12 comfortable.</p> <p>13 Q. I'm referencing Exhibit 2 from June 2022 that</p> <p>14 you did not sign. Are you comfortable having</p> <p>15 that declaration that you did not sign used as</p> <p>16 evidence when you don't even know who wrote the</p> <p>17 information including your signature?</p> <p>18 MR. OETHEIMER: Objection. Asked and</p> <p>19 answered. But yes, he is asking you about</p> <p>20 Exhibit 2, the one that does not have your</p> <p>21 signature.</p> <p>22 A. Okay. As far as this one goes, I honestly don't</p> <p>23 know what to think of this because the guy that</p> <p>24 I had talked to that lived up the street, I</p>	<p style="text-align: right;">64</p> <p>1 Have you asked anyone or consulted with</p> <p>2 anyone if you have a legal remedy against the</p> <p>3 person who forged your name to a document that</p> <p>4 you hadn't seen?</p> <p>5 MR. OETHEIMER: Objection.</p> <p>6 A. I didn't even know this existed. So how could I</p> <p>7 do that?</p> <p>8 Q. Well, are you considering whether you may have a</p> <p>9 legal remedy against somebody for forging your</p> <p>10 name on a document?</p> <p>11 MR. OETHEIMER: Objection.</p> <p>12 A. Well, the only person that would come down to is</p> <p>13 Brenda Sweetland.</p> <p>14 Q. Well, I'll represent to you that this document</p> <p>15 was produced by and for Wheelabrator in the case</p> <p>16 and that this is being used as evidence to</p> <p>17 defeat Brenda Sweetland's position that people</p> <p>18 are experiencing odors and dust.</p> <p>19 MR. OETHEIMER: Objection. That's a</p> <p>20 mischaracterization.</p> <p>21 Q. This is not a document that was produced by the</p> <p>22 plaintiff, Brenda Sweetland.</p> <p>23 MR. OETHEIMER: Part of that is true.</p> <p>24 Part of it is not. I don't know if you are</p>
<p style="text-align: right;">63</p> <p>1 talked to him after I had already signed</p> <p>2 Anthony's thing.</p> <p>3 Obviously this -- obviously this is</p> <p>4 totally out of line because it has a date on it</p> <p>5 before August. Isn't June before August?</p> <p>6 MR. OETHEIMER: Yes.</p> <p>7 A. Or am I losing my mind here?</p> <p>8 Q. Yes, it is.</p> <p>9 A. That's enough of that. This, I don't know what</p> <p>10 this is.</p> <p>11 Q. Okay. Would you agree that Exhibit 2 from June</p> <p>12 was forged?</p> <p>13 MR. OETHEIMER: Objection. Legal</p> <p>14 characterization.</p> <p>15 A. In my opinion, I would have to say yes.</p> <p>16 Q. Have you consulted with anybody to figure out if</p> <p>17 you have a legal remedy against the person who</p> <p>18 forged your signature under the penalty of</p> <p>19 perjury even though you hadn't seen the</p> <p>20 document?</p> <p>21 MR. OETHEIMER: Objection.</p> <p>22 A. I'm sorry, Matt. Can you repeat that so I can</p> <p>23 understand it.</p> <p>24 Q. Yeah.</p>	<p style="text-align: right;">65</p> <p>1 deliberately misrepresenting. It is a document</p> <p>2 that Wheelabrator provided.</p> <p>3 Once Wheelabrator determined that it had</p> <p>4 not been signed by the declarant, by Mr. Cooper</p> <p>5 in this case, we indicated that we would not be</p> <p>6 presenting it. So Wheelabrator is not using</p> <p>7 Exhibit 2, the document that you did not sign.</p> <p>8 We are using Exhibit 3, the document you</p> <p>9 did sign, and the paragraphs, the questions, you</p> <p>10 can take a look at them, are the same. But we</p> <p>11 are using Exhibit 3 that you signed. We are not</p> <p>12 using Exhibit 2. We are not presenting Exhibit</p> <p>13 2 in evidence in this lawsuit.</p> <p>14 Q. (By Mr. Robb) Mr. Cooper, looking at Exhibit 3,</p> <p>15 the August document that you did sign, are you</p> <p>16 comfortable with having this document submitted</p> <p>17 as evidence in court even though you did not get</p> <p>18 any information that there was an ongoing</p> <p>19 lawsuit and that you were just providing the</p> <p>20 document because you thought it had to do with a</p> <p>21 political matter that Anthony wanted you to</p> <p>22 sign?</p> <p>23 MR. OETHEIMER: Objection.</p> <p>24 THE WITNESS: Where did you get this? Is</p>

<p style="text-align: right;">66</p> <p>1 this from Anthony?</p> <p>2 MR. OETHEIMER: Yes.</p> <p>3 THE WITNESS: That's from Anthony?</p> <p>4 MR. OETHEIMER: Yes.</p> <p>5 A. This here, you can tear this up. If you have</p> <p>6 any more questions, or I'm going to be leaving</p> <p>7 the building now. Okay? You've asked me the</p> <p>8 same --</p> <p>9 Q. You wouldn't like that declaration to be used as</p> <p>10 evidence in this case?</p> <p>11 MR. OETHEIMER: Listen to the question,</p> <p>12 the one you signed, you are okay with this one</p> <p>13 being used?</p> <p>14 THE WITNESS: Who gave you that piece of</p> <p>15 paper there?</p> <p>16 MR. OETHEIMER: It was provided to</p> <p>17 Wheelabrator by Anthony Cogliano.</p> <p>18 THE WITNESS: Okay. Put that in your</p> <p>19 file. What are you going to do with this?</p> <p>20 MR. OETHEIMER: I don't want to do</p> <p>21 anything with that.</p> <p>22 A. You want it. Now I got a lot of things to do.</p> <p>23 It was nice meeting you, Matt.</p> <p>24 Q. Well, Mr. Cooper, I want to clarify. If you are</p>	<p style="text-align: right;">68</p> <p>1 MR. OETHEIMER: Yes.</p> <p>2 THE WITNESS: Okay. Then where does the</p> <p>3 part come in that I did not know anything about</p> <p>4 a lawsuit? I was not informed that that had</p> <p>5 anything to do with a lawsuit.</p> <p>6 MR. OETHEIMER: What we are using this</p> <p>7 for, and we can ask you questions, is basically</p> <p>8 we would use it, your answers, that you don't</p> <p>9 have any issues with odors or dust. That's all</p> <p>10 we are using it for.</p> <p>11 THE WITNESS: Yeah, I don't have any</p> <p>12 issues with odors and dust.</p> <p>13 MR. OETHEIMER: You are fine, you've</p> <p>14 signed that and that's all -- those are the only</p> <p>15 questions I intend to ask you.</p> <p>16 THE WITNESS: Well, that's what I thought</p> <p>17 was going to happen in the first place.</p> <p>18 MR. OETHEIMER: Okay.</p> <p>19 Q. (By Mr. Robb) Mr. Cooper, given -- if you look</p> <p>20 at the bottom where it says, "I understand and</p> <p>21 agree" to all these following things about an</p> <p>22 ongoing lawsuit going on and your rights in the</p> <p>23 lawsuit and all that, since you didn't read it</p> <p>24 and you weren't aware of that, are you</p>
<p style="text-align: right;">67</p> <p>1 saying that you do not want any statements from</p> <p>2 you used as evidence in the lawsuit, then you</p> <p>3 may be excused as far as I'm concerned. But if</p> <p>4 not, I need to know what I'm asking you about</p> <p>5 and, you know, I'm requesting that you not</p> <p>6 leave. You are free to take a break, if you</p> <p>7 would like. I would be happy to finish up --</p> <p>8 MR. OETHEIMER: We can take a break</p> <p>9 because I have a few questions I want to ask you</p> <p>10 when Matt finishes.</p> <p>11 Q. (By Mr. Robb) I want to know if you are</p> <p>12 comfortable having this statement that you did</p> <p>13 sign used as evidence even though you were not</p> <p>14 told about an ongoing lawsuit or your rights in</p> <p>15 the case?</p> <p>16 A. Okay. Time out. Can you guys listen to my</p> <p>17 question for a minute?</p> <p>18 Does this have anything to do with going</p> <p>19 forward with a lawsuit?</p> <p>20 MR. OETHEIMER: Yes. This statement that</p> <p>21 you signed, Exhibit 3, that was provided to</p> <p>22 Wheelabrator by Anthony Cogliano, Wheelabrator</p> <p>23 intends to use in the lawsuit.</p> <p>24 THE WITNESS: In a lawsuit?</p>	<p style="text-align: right;">69</p> <p>1 comfortable with that document being used as</p> <p>2 evidence against the plaintiff in this case?</p> <p>3 MR. OETHEIMER: Objection. And the</p> <p>4 witness -- I will ask you questions. I will</p> <p>5 tell you about the lawsuit and I will tell you</p> <p>6 what -- when I get my turn, I will tell you</p> <p>7 about the lawsuit and I will you what we are</p> <p>8 using it for, and you can tell me if you have</p> <p>9 any problem. Why don't you wait for my</p> <p>10 question.</p> <p>11 THE WITNESS: I didn't read the bottom.</p> <p>12 MR. OETHEIMER: I understand.</p> <p>13 Q. (By Mr. Robb) Given that you didn't read the</p> <p>14 bottom, if Wheelabrator is willing to agree not</p> <p>15 to use your declaration, then I would be happy</p> <p>16 to excuse you from further questioning on the</p> <p>17 subject. But otherwise, I do need to know what</p> <p>18 you know about the testimony you provided and</p> <p>19 how you provided it.</p> <p>20 MR. OETHEIMER: Right. I think he's</p> <p>21 answered all your questions sort of ad nauseam.</p> <p>22 So, Matt, why don't you wrap up so we can try to</p> <p>23 get him out of here this afternoon.</p> <p>24 I think he's given you the answer that he</p>

<p style="text-align: right;">70</p> <p>1 didn't read the sort of disclaimer. He wasn't 2 aware of the lawsuit and Anthony didn't tell him 3 about it. So for whatever -- you have that 4 information for whatever it's worth. 5 But he's also testified that the 6 statements in the statement he signed are true 7 and that he basically was asked those questions 8 at the time. So let's move on. 9 MR. ROBB: He also testified that the 10 form was filled out by someone other than 11 himself -- 12 MR. OETHEIMER: No, I understand, 13 correct. 14 MR. ROBB: -- that it provide 18 years 15 he's resided at his residence, which is not 16 true. That it says the wrong address at the 17 top, and that he signed it for a friend because 18 he thought he was supporting an issue of public 19 concern. 20 I think that this should certainly be 21 stricken and not used as evidence. Wheelabrator 22 thinks that it should be used as evidence. 23 Q. (By Mr. Robb) Mr. Cooper, are you comfortable 24 with that document being used as evidence given</p>	<p style="text-align: right;">72</p> <p>1 lives on Dudley Street. Wheelabrator is using 2 your declaration and the declarations of other 3 people in the neighborhood to say that whatever 4 Ms. Sweetland may think she experiences, there 5 are other people in the same Saugus neighborhood 6 who do not experience odors or dust and have no 7 complaints. That's what Wheelabrator would like 8 to use your declaration for if you are 9 comfortable with it. 10 THE WITNESS: Okay. Where did this come 11 from? 12 MR. OETHEIMER: That was provided to 13 Wheelabrator by Anthony Cogliano. 14 THE WITNESS: This was? 15 MR. OETHEIMER: It was. But -- 16 THE WITNESS: With my name -- with 17 supposedly my name on it? 18 MR. OETHEIMER: It was your name on it 19 but it wasn't signed by you. 20 MR. ROBB: It says John Copper, not John 21 Cooper. 22 THE WITNESS: Anthony gave you both of 23 these? 24 MR. OETHEIMER: Yes.</p>
<p style="text-align: right;">71</p> <p>1 what you've learned today? 2 MR. OETHEIMER: Objection. 3 A. Right now I'm comfortable with it. What do you 4 have -- what's the plaintiff, the people that 5 are complaining? 6 MR. OETHEIMER: The plaintiff is Brenda 7 Sweetland, the person who brought the lawsuit. 8 A. Okay. What harm is being done to them? 9 Q. The plaintiff is complaining about noxious odors 10 and dust that have impacted her ability to use 11 her property and have clogged up her pool drains 12 over and over again and that it made it so that 13 she has to close the windows when the weather is 14 nice. 15 The defendant is saying that that's not 16 true. 17 MR. OETHEIMER: Not true. 18 Q. For your purposes, the defendant is trying to 19 use your declaration to oppose the lawsuit, and 20 if you are not comfortable having your 21 declaration used, I'm sure that Wheelabrator 22 will respect that position. 23 MR. OETHEIMER: The purpose -- the 24 plaintiff complains about those things. She</p>	<p style="text-align: right;">73</p> <p>1 THE WITNESS: That sounds a little 2 screwed up. 3 MR. OETHEIMER: When they became aware 4 that that was not signed, we asked -- you were 5 asked to sign this one as to -- to attest that 6 that information is true. 7 Again, let me just be clear, we are not 8 using Exhibit 2. It was provided, but we are 9 not any longer using it. I will represent to 10 you that we will not -- Wheelabrator is not 11 using Exhibit 2 that you did not sign. 12 We would like to use Exhibit 3, which you 13 signed. 14 THE WITNESS: I didn't know this came -- 15 this came from Anthony, too? 16 MR. OETHEIMER: Yes. 17 THE WITNESS: Well, that ain't right 18 neither. 19 MR. ROBB: Off the record. 20 (Recess taken.) 21 Q. (By Mr. Robb) We are back on the record. I just 22 have two more questions for you. 23 One, are you upset about what you've 24 learned here today?</p>

<p style="text-align: right;">74</p> <p>1 MR. OETHEIMER: Objection. You can</p> <p>2 answer.</p> <p>3 A. I'm upset about --</p> <p>4 MR. OETHEIMER: That Exhibit 2?</p> <p>5 THE WITNESS: Yes.</p> <p>6 A. I don't care if we are friends or not, he still</p> <p>7 should have did a different way. That I will</p> <p>8 take up with him.</p> <p>9 Q. Okay.</p> <p>10 A. What's the next question?</p> <p>11 Q. You are upset that your name was put on a</p> <p>12 document that you had never seen?</p> <p>13 A. Well, it's the same guy that wrote the document.</p> <p>14 So yeah, I'm upset with him not telling me that</p> <p>15 he was doing this. Yes.</p> <p>16 Q. Are you also upset that you weren't made aware</p> <p>17 of any lawsuit or that you could be brought into</p> <p>18 this by signing that document?</p> <p>19 A. Yeah. Yeah. If -- okay. Never mind. We are</p> <p>20 on record. Go ahead.</p> <p>21 Q. You go ahead. Do you have anything more you</p> <p>22 want to say?</p> <p>23 A. Yeah. I don't like the idea of this and, you</p> <p>24 know, the guy is a friend of mine and I consider</p>	<p style="text-align: right;">76</p> <p>1 THE WITNESS: I only seen it for a couple</p> <p>2 seconds. I signed it for him and he kept on</p> <p>3 going.</p> <p>4 MR. OETHEIMER: Understood.</p> <p>5 A. But that's my fault for trusting somebody that I</p> <p>6 trust without looking into it. That's how you</p> <p>7 learn lessons in life. I learned a lousy lesson</p> <p>8 today that, I don't know, maybe he pulled a fast</p> <p>9 one on me. But that's going to be between me</p> <p>10 and him. I'm not going to take it back and then</p> <p>11 end up in a fight with him. I'm not going to do</p> <p>12 that.</p> <p>13 Q. You think it might cause a fight with him if you</p> <p>14 took your declaration back?</p> <p>15 A. That's how --</p> <p>16 MR. OETHEIMER: Objection.</p> <p>17 A. That's how fights and grudges start.</p> <p>18 Q. I understand. And you don't want to get into</p> <p>19 that with a friend?</p> <p>20 A. No, not as far as -- no. No. Relationships</p> <p>21 have gone too far in to never speak again over</p> <p>22 something like this. You guys can work it out</p> <p>23 with all the other people who are complaining on</p> <p>24 his side or on their side. I'm not going to end</p>
<p style="text-align: right;">75</p> <p>1 him my friend. But this is something I got to</p> <p>2 take up with him personally, him doing that.</p> <p>3 Okay? I'm straightforward.</p> <p>4 Q. Okay. With everything you learned today, would</p> <p>5 you prefer that both of these declarations</p> <p>6 weren't used in this lawsuit since you weren't</p> <p>7 told about the lawsuit?</p> <p>8 MR. OETHEIMER: Objection.</p> <p>9 A. No, I really can't go back on my word with this.</p> <p>10 But I'm going to have words with him. That's</p> <p>11 pretty much --</p> <p>12 Q. I understand. Did Anthony give you a copy of</p> <p>13 either one of those declarations to keep for</p> <p>14 your records or review?</p> <p>15 A. No.</p> <p>16 Q. Is today the first time you ever saw a hard</p> <p>17 copy, other than the day in the driveway when</p> <p>18 you signed the second one?</p> <p>19 A. Today is the first time I've ever seen the thing</p> <p>20 I signed.</p> <p>21 MR. OETHEIMER: After you signed it?</p> <p>22 THE WITNESS: Huh?</p> <p>23 MR. OETHEIMER: You saw it when you</p> <p>24 signed it, but it's the first time since then?</p>	<p style="text-align: right;">77</p> <p>1 our friendship over one signature. It ain't</p> <p>2 worth it.</p> <p>3 MR. ROBB: I understand. I have no more</p> <p>4 questions.</p> <p>5 Thank you for your honest testimony.</p> <p>6 MR. OETHEIMER: Okay. Mr. Cooper, I</p> <p>7 won't keep you much longer.</p> <p>8</p> <p>9 Examination by Mr. Oetheimer:</p> <p>10 Q. Let just establishment sort of where you live</p> <p>11 and all that.</p> <p>12 A. Didn't we get that done with Matt?</p> <p>13 Q. I have a couple of questions.</p> <p>14 MR. OETHEIMER: What exhibit number,</p> <p>15 Matt? 3 was the last one, right? This will be</p> <p>16 Exhibit 4?</p> <p>17 MR. ROBB: Yes.</p> <p>18 (Deposition Exhibit No. 4</p> <p>19 marked for identification.)</p> <p>20 Q. (By Mr. Oetheimer) I have put in front of what</p> <p>21 will be Exhibit 4. That little red pin, does</p> <p>22 that show the location of your home at 45</p> <p>23 Bristow Street?</p> <p>24 A. Yeah, pretty close.</p>

<p style="text-align: right;">78</p> <p>1 Q. That basically shows the area?</p> <p>2 A. Yes.</p> <p>3 MR. OETHEIMER: And I will have this</p> <p>4 marked as Exhibit 5.</p> <p>5 (Deposition Exhibit No. 5</p> <p>6 marked for identification.)</p> <p>7 Q. Is that photograph a Google Earth photograph of</p> <p>8 your home?</p> <p>9 A. Yes.</p> <p>10 Q. In the inset in the upper right-hand corner, do</p> <p>11 recognize, is that the rear of your home in the</p> <p>12 upper right-hand corner?</p> <p>13 A. Yeah, it looks like it.</p> <p>14 Q. Is that a swimming pool? Do you have a pool?</p> <p>15 A. Yeah, the gazebo's on the deck. That probably</p> <p>16 is my home, yeah.</p> <p>17 Q. How often do you use your swimming pool during</p> <p>18 the summer?</p> <p>19 MR. ROBB: I'm going to object to this</p> <p>20 line of questioning. It's going beyond the</p> <p>21 scope of the allowed discovery, which is limited</p> <p>22 to the way that these declarations were obtained</p> <p>23 and the truth of the declarations.</p> <p>24 MR. OETHEIMER: Right. Right.</p>	<p style="text-align: right;">80</p> <p>1 noxious or foul odors while they were using the</p> <p>2 swimming pool?</p> <p>3 A. No. Sorry. I keep that pool sparkling clean.</p> <p>4 Q. Do you have any issues with unusual amounts of</p> <p>5 dust or ash accumulating on your pool or on your</p> <p>6 filter?</p> <p>7 A. Well, I got to be honest with you, I don't even</p> <p>8 know what ash looks like.</p> <p>9 Q. I will just have --</p> <p>10 A. Ash, like I had a fireplace going and there was</p> <p>11 ashes burning off?</p> <p>12 Q. Let me just ask you, obviously I understand the</p> <p>13 issues that you have with Exhibit 2, the</p> <p>14 declaration you did not sign.</p> <p>15 A. Yes.</p> <p>16 Q. When Anthony brought Exhibit 3, the one that you</p> <p>17 did sign out in your driveway, you said he asked</p> <p>18 you some questions. And you answered the</p> <p>19 questions and then you signed this.</p> <p>20 Paragraph or point 2, point 2 of your</p> <p>21 declaration of August 22, Exhibit 3, says, "I do</p> <p>22 not ever notice noxious odors at my home."</p> <p>23 Was that statement true in August 2022?</p> <p>24 A. Yeah.</p>
<p style="text-align: right;">79</p> <p>1 Q. (By Mr. Oetheimer) One of the things your</p> <p>2 declaration says, Mr. Cooper, is that you enjoy</p> <p>3 numerous activities outside at your property.</p> <p>4 That's in the declaration you signed. Are there</p> <p>5 activities that you enjoy outside at your</p> <p>6 property?</p> <p>7 A. Outside of my property, like on my property?</p> <p>8 Q. I mean on your property, but outside of the</p> <p>9 home. Outdoors rather than indoors.</p> <p>10 A. Yeah.</p> <p>11 Q. What types of activities?</p> <p>12 A. Taking the dog out, mostly the pool, and riding</p> <p>13 my motorcycle.</p> <p>14 Q. Okay. How often do you --</p> <p>15 A. I don't ride it around here.</p> <p>16 Q. How often do you and your wife use the pool in</p> <p>17 the summer?</p> <p>18 A. We use it quite a bit. My nieces come over. My</p> <p>19 in-laws come over. You know, it's basically</p> <p>20 used a lot because of my nieces.</p> <p>21 Q. Does your son have children?</p> <p>22 A. No, he does not. He don't ever come over.</p> <p>23 Q. But your family, nieces, the pool is used. Has</p> <p>24 anyone ever complained about experiencing</p>	<p style="text-align: right;">81</p> <p>1 Q. Is it true today?</p> <p>2 A. Yeah.</p> <p>3 Q. So you stand by the statement that you do not</p> <p>4 ever notice noxious odors at your home, correct?</p> <p>5 And that's been true for the whole 23 years you</p> <p>6 have been there? Is that statement true?</p> <p>7 A. In the format that you are talking about, yes,</p> <p>8 that's true.</p> <p>9 We get plenty of skunks and that kind of</p> <p>10 stuff. That's a funny odor.</p> <p>11 (Telephone interruption.)</p> <p>12</p> <p>13 MR. OETHEIMER: All right. Back on the</p> <p>14 record.</p> <p>15 Q. (By Mr. Oetheimer) I think we have covered this,</p> <p>16 but have you ever experienced unusual amounts of</p> <p>17 dust or ash at your property?</p> <p>18 A. How many times are you guys going to ask me this</p> <p>19 stuff?</p> <p>20 Q. I guess this will be the last time.</p> <p>21 A. Okay. No.</p> <p>22 Q. Just pollen, right?</p> <p>23 A. Pollen is everywhere.</p> <p>24 Q. I understand. I have a lot of it every spring.</p>

<p style="text-align: right;">82</p> <p>1 I have a lot of it on my driveway and car.</p> <p>2 A. Pollen was a joke. That's all pollen was, was a</p> <p>3 joke.</p> <p>4 Q. Do you experience any odors at your property</p> <p>5 that you attribute to the Wheelabrator facility?</p> <p>6 A. Sorry.</p> <p>7 Q. Do you experience any odors or smells at your</p> <p>8 property that you think are coming from</p> <p>9 Wheelabrator?</p> <p>10 A. No.</p> <p>11 Q. Do you experience any dust or ash or dirt at</p> <p>12 your property that you think is coming from</p> <p>13 Wheelabrator?</p> <p>14 A. No.</p> <p>15 MR. OETHEIMER: All right.</p> <p>16 THE WITNESS: Did you say I'm here</p> <p>17 legally, I have to be here, Matt?</p> <p>18 MR. OETHEIMER: Yes, they subpoenaed --</p> <p>19 MR. ROBB: You are here pursuant to</p> <p>20 subpoena. I don't have any problem with you</p> <p>21 being excused at this point.</p> <p>22 I think there is a question because the</p> <p>23 declarations both had the wrong address on them,</p> <p>24 that you never saw the subpoena, and so</p>	<p style="text-align: right;">84</p> <p>1 CERTIFICATE</p> <p>2</p> <p>3</p> <p>4 I, JOHN COOPER, do hereby certify</p> <p>5 that I have read the foregoing transcript of my</p> <p>6 testimony, and I further certify that said</p> <p>7 transcript is a true and accurate record of said</p> <p>8 testimony.</p> <p>9</p> <p>10</p> <p>11</p> <p>12 Signed under the penalties of perjury</p> <p>13 this day of , 2022.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p style="text-align: center;">JOHN COOPER</p>
<p style="text-align: right;">83</p> <p>1 certainly I think that you have rights to say</p> <p>2 it's not valid.</p> <p>3 If you wish to be excused, I would be</p> <p>4 happy to excuse you, and I don't know if Richard</p> <p>5 would have any objection at this point.</p> <p>6 MR. OETHEIMER: I have no more questions.</p> <p>7 So unless Matt has any more questions, you are</p> <p>8 done.</p> <p>9 MR. ROBB: I think we got everything that</p> <p>10 we possibly needed from you today and we are</p> <p>11 grateful for you trying to help sort this</p> <p>12 problem out.</p> <p>13 MR. OETHEIMER: Thank you.</p> <p>14 (Deposition concluded 2:05 p.m.)</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">85</p> <p>1 CERTIFICATE</p> <p>2</p> <p>3 COMMONWEALTH OF MASSACHUSETTS)</p> <p>4) ss.</p> <p>5 COUNTY OF MIDDLESEX)</p> <p>6</p> <p>7 I, Robert M. Bramanti, Registered</p> <p>8 Merit Reporter and Notary Public within and for</p> <p>9 the Commonwealth of Massachusetts, do hereby</p> <p>10 certify:</p> <p>11 That, JOHN COOPER, the witness whose</p> <p>12 deposition is hereinbefore set forth, was duly</p> <p>13 sworn by me, and that the foregoing transcript</p> <p>14 is a true record of the testimony given by such</p> <p>15 witness.</p> <p>16 I further certify that I am not</p> <p>17 related to any of the parties in this matter by</p> <p>18 blood or marriage, and that I am in no way</p> <p>19 interested in the outcome of this matter.</p> <p>20</p> <p>21 IN WITNESS WHEREOF, I have</p> <p>22 hereunto set my hand and seal this 16th day</p> <p>23 of December 2022.</p> <p>24</p> <p style="text-align: center;"><i>Robert M. Bramanti</i> Notary Public</p> <p>My Commission expires: September 9, 2027</p>

This image shows a blank sheet of handwriting practice paper. It features two vertical columns of horizontal dashed lines, designed for tracing or practicing letter formation. The left column contains 10 rows of lines, and the right column also contains 10 rows. There are no margins, text, or other markings on the page.

JOHN COOPER DATE

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Cooper Ex 2 34:14,18,23 36:9 41:2,8,18,20 42:17, 18 46:24 49:6 62:9, 13,20 63:11 65:7, 12,13 73:8,11 74:4 80:13	2 34:14,18,23 36:9 41:2,8,18,20 42:18 46:24 49:6 62:9,13, 20 63:11 65:7,12,13 73:8,11 74:4 80:13, 20	9th 10:24	alleging 59:24	approach 23:17 39:4
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